

Appl. No. : 09/350,043  
Filed : July, 8, 1999

### REMARKS

In response to the Office Action mailed February 15, 2001, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments. As a result of this amendment, the specification and title have been amended, Claims 1, 2, 5, 9, 12, 19, 21-26, 30, and 32 have been amended, Claims 35-37 have been added, and Claims 17, 18, 20, and 29 have been cancelled without prejudice, so as to hasten allowance of this case. Applicants reserve the right to prosecute the subject matter of Claims 17, 18, 20, and 29 in continuing or divisional applications. Thus, at present, Claims 1-16, 19, 21-28, and 30-37 are pending.

A substitute specification containing the pending claims, as amended, is provided. Additionally, a substitute specification containing the pending claims and showing the changes made is attached hereto and entitled VERSION WITH MARKINGS TO SHOW CHANGES MADE. On this set of pages, the insertions are double underlined while the ~~deletions are struck through~~.

#### *Rejections under §112*

In response to Examiner's rejections under §112, second paragraph, Applicant has italicized all botanical names and has amended the claims to recite *Aloe Vera*, a term well known in the art. Applicant has also amended Claim 9 to correct the improper Markush terminology. Further, Applicant has amended Claims 24-26 to remove the reference to trademarked collagens.

The method of preparing *Aloe Vera*, as set forth in U.S. Pat. No. 5,708,308 to Davis, has been provided in the substitute specification. In addition, the method of preparing a commercial source of *Aloe Vera*, (Aloe Laboratories) *See Table 3*, has been provided in the substitute specification. These references were incorporated by reference in the specification as filed and were imported into the substitute specification at the request of the Examiner. Accordingly, no new matter has been added.

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Applicant submits that the above described methods of preparing *Aloe Vera* are provided as examples only and are not intended to limit the scope of the invention. One of ordinary skill in the art is very familiar with the term and formulation of *Aloe Vera* and recognizes that the substance is available from various distributors and manufacturers and can be prepared by various methods.

In response to Examiner's rejection under §112, paragraph 1, Applicant has amended the claims to recite *Aloe Vera*.

New claims 35-37 have been added. Claims 35-37 are dependent and are patentable for at least the same reasons as the claim from which they depend. Support for Claims 35-37 can be found in the specification at page 9, lines 3-27, for example, and in the Claims as originally filed.

#### CONCLUSION

Based on the foregoing, Applicants respectfully submit that the application is now in condition for allowance and such action is earnestly solicited. The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Eric S. Furman at (619) 687-8643 (direct line), to resolve such issue promptly.

This response has been filed with a two-month extension fee. No further fees are seen as being necessary. However, the Commissioner is authorized to charge any fees in connection with this paper to Deposit Account No. 11-1410.

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Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: \_\_\_\_\_

7/16/01

By: \_\_\_\_\_

  
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